IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8064 OF 2005

Shridhar Ramchandra
Sarnaik. . .. Petitioner.

vs.

Dnyaneshwar Maharaj
Sansthan Committee
Alandi & Others. .. Respondents.

Mr. N.P. Deshpande for petitioner.
Mr. P.B. Shah for respondent.

CORAM : S.U. KAMDAR, J.
DATE : 12th December, 2005.

P.C.:

. The notice issued to the respondent no. 8 District Judge is discharged. The District Judge need not file his appearance and attend the Court. The Registry is directed to intimate the District Judge accordingly.

2. By the present petition the impugned order passed by the District Judge dated 10.10.2005 is challenged. The District Judge has held that the

petitioner is not the manager in accordance with the provisions of Rule 28 of the Scheme framed in respect of the Sansthan Committee and thus an appeal is not maintainable. There is no dispute that the petitioner is not the manager but only an Assistant Manager. However, the learned counsel for the petitioner contends that the word manager includes even the post of Assistant Manager. He further contends that apart from the filing of the appeal under rule 28, he has no other remedy available and, therefore, this Court should interfere with the impugned order and direct the lower Court to entertain the appeal. I have perused the rules. Chapter III inter alia prescribes rules regarding Sansthan Karbhari or Manager. A reading of the rules under Chapter III i.e. Rules 17 to 28 make it very clear that the word "Manager" does not include in its purview the word the Assistant Manager as contended by the learned counsel for the petitioner. In that view of the matter, there is no substance in the said contention. The same is required to be rejected.

3. The second contention raised is that there is no remedy available to the petitioner. In my opinin, the petitioner can always prefer a civil suit in the Civil Court for necessary relief as may be available in law. In that light of the matter, order dated 10.10.2005 does not require any

interference in the present case. The petition, accordingly fails and the same is dismissed. All other contentions on merits are expressly kept open to be determined in the court of appropriate jurisdiction.